

**EXHIBIT A**

3 CIVIL ACTION NO.: 11-6352

4

5

6 GUY WILLIAMS

7 Plaintiff

v.

8 OFFICER KENNETH LUGO, et al

9 Defendants

10 - - -

11 Tuesday, June 19, 2012

12 - - -

13 Oral sworn deposition of OFFICER KENNETH

14 LUGO was taken at the law offices of PARKER MCCAY,

15 P.A., 1009 Lenox Drive, Suite 102A, Lawrenceville, New

16 Jersey, before Aubrey D. McNally, Certified Court

17 Reporter, Registered Professional Reporter and Notary

18 Public of the State of New Jersey, on the above date,

19 commencing at 10:15 a.m., there being present:

20 WEISBERG LAW, P.C.

21 BY: GRAHAM F. BAIRD, ESQUIRE

22 ATTORNEYS FOR THE PLAINTIFF

23 PARKER MCCAY, P.A.

24 BY: J. BROOKS DIDONATO, ESQUIRE

25 ATTORNEYS FOR THE DEFENDANTS

1	(It is agreed by and between counsel				
2	that the reading and signing of the deposition be				
3	waived and that all objections, except as to the form				
4	of the question, be reserved until the time of trial.)				
5	- - -				
6	I N D E X				
7	WITNESS				
8	OFFICER KENNETH LUGO				
9	BY MR. BAIRD				
10		3			
11					
12		E X H I B I T S			
13					
14	EXHIBIT	DESCRIPTION	PAGE		
15	1.	Affidavit of Probable Cause	43		
16	2	Incident Report	47		
17	3	Case Supplemental Report	50		
18					
19					
20					
21					
22					
23					
24					
25					
	Page 4				
1	away from nuh-uh, uh-huh, shrugging the shoulders,				
2	nodding the head, shaking the head because it's				
3	difficult for her to take down and we want to keep a				
4	very clear record.				
5	IS that okay with you?				
6	A	Yes.			
7	Q	All right. The other instruction I'll			
8	give along those lines is that you and I should not				
9	talk over each other, okay? Inevitably, it usually				
10	happens during the deposition that you and I will				
11	talk over each other, but we should avoid that as				
12	much as possible, again, so that she can take it				
13	down.				
14	Even if you know where a question of				
15	mine is going, I would ask that you please wait				
16	until I finish the full question and I will				
17	certainly give you the courtesy to wait until you				
18	provide a complete answer before I ask another				
19	question, okay?				
20	A	Yes.			
21	Q	All right. You can take a break at any			
22	time for whatever reason you want. If you want to				
23	walk around, talk to your lawyer, get a drink of				
24	water, whatever, just let me know, okay?				
25	A	Yes.			

		Page 4	Page 5
1	Q	The other thing is that if there's a	
2		question pending, the rules are that you should	
3		answer that question before we take our break; is	
4		that okay?	
5	A	Yes.	
6	Q	All right. No one here wants you to	
7		guess at anything, okay? If you would like to	
8		estimate as to dates, times, distances, things of	
9		that nature, that's fine, just let us know that	
10		you're making an estimate, okay?	
11	A	Yes.	
12	Q	At some point you may not remember	
13		something, okay? And if you don't remember	
14		Something, I don't remember is a perfectly	
15		acceptable answer to give. We all realize that this	
16		happened May 2nd, 2009 and you're a police officer	
17		and there's no doubt that you participated in	
18		numerous arrests from the time of Mr. Williams'	
19		arrest up until the present day, so if you don't	
20		remember something, I don't remember is a perfectly	
21		acceptable answer, so is I don't know, okay?	
22		So if you don't know something, I	
23		don't know is a perfectly acceptable answer. But	
24		I want you to be aware that there's a subtle	
25		difference between I don't know and I don't	

Page 2

Page 3

1 . . . . . OFFICER KENNETH LUGO, after having  
2 been duly sworn, was examined and testified as  
3 follows:  
4 - - -

5 BY MR. BAIRD:

6 Q Good morning, officer.

7 A Good morning.

8 Q My name is Graham Baird, and I'm a  
9 lawyer and I represent Guy Williams in a case that  
10 we have filed against you as well as your employer  
11 concerning an arrest that you made back on May 2nd  
12 of 2009. Today we're here for your deposition.

13 Have you ever given deposition

PAGE

14 testimony before?

43 A Long time ago.

47 Q Okay. I'm going to run through some  
50 instructions and guidelines for you to follow to  
18 make this go as quickly and as smoothly as possible,  
19 okay?

20 A Okay.

21 Q All right. Sitting on your right is a  
22 court reporter and she's basically taking down  
23 everything that is said in the room. So with that  
24 in mind, it's very important for you to keep your  
25 responses to my questions verbal. We try to stay

Page 6	Page 7
1 remember.	1 A I accepted a position with the Tucson
2	2 Arizona Police Department.
3 A Yes.	3 Q Did you leave the Trenton Police
4 Q Okay. So with that said, can you tell	4 Department on good terms?
5 me who you work for?	5 A Yes.
6 A I work for the City of Trenton,	6 Q Okay. And then you worked at the
7 Trenton Police Department.	7 Tucson Police Department from, say, May or June of
8 Q Okay. And how long have you been with	8 '94 until when?
9 the Trenton Police Department?	9 A Until 1997. I'm not sure of the
10 A This is my second go-around with the	10 exact month.
11 Trenton Police Department and it's been since	11 Q Okay. And my understanding, based upon
12 March of 2004.	12 some of the records that your counsel has provided,
13 Q Okay. So from March of 2004 until the	13 is that your employment was severed or otherwise
14 present day you have been employed with the Trenton	14 terminated by Tucson Police Department; is that
15 Police Department?	15 accurate?
16 A Yes.	16 A Yes.
17 Q Okay. And prior to March 2004 you	17 Q And can you tell me the reason why it
18 mentioned that there was another time when you were	18 was terminated in 1997?
19 employed by Trenton. Can you tell me when that was?	19 A I lied to my supervisor about a
20 A It was from October of 1986 to May of	20 location I was at.
21 1994.	21 Q Okay. And can you tell me what the
22 Q Okay. May of '94, did you say?	22 circumstances of that incident were?
23 A Yes.	23 A I was out of my area. I was two
24 Q And why did you leave the Trenton	24 blocks out of my area.
25 Police Department in May of '94?	25 Q Okay.
Page 8	
1 A I happened to be speaking to an	1 for me to say that in March 2004 you came back to
2 officer that was being watched by our sergeant.	2 Trenton; is that --
3 Q He was being watched by your sergeant?	3 A No. I obtained a job with the Benson
4 A Yes.	4 Arizona Police Department -- I'm going to
5 Q Your sergeant was investigating his	5 backtrack -- in June of 2002.
6 activities; is that accurate?	6 Q Okay.
7 A Yes.	7 A In September of 2003, I resigned and
8 Q Okay. And were you in your patrol car	8 moved back to New Jersey.
9 that day?	9 Q Okay.
10 A Yes.	10 A At that time I accepted a job with
11 Q Was there any other reasons besides	11 the Trenton Police Department. I was a dispatcher
12 your untruthfulness there for the termination of	12 from September until March.
13 your employment?	13 Q You attended dispatching school, right?
14 A No.	14 A Yes.
15 Q Okay. And then in '97 did you obtain	15 Q And was there any reason why you
16 other employment?	16 weren't on patrol?
17 A From '97 and for the next five years	17 A I was brought back as a dispatcher
18 I worked at Home Depot. I was out of police work.	18 and waited until the next academy class was
19 Q Okay. And which Home Depot? Where	19 available.
20 were you located?	20 Q So that was in September of 2003 you
21 A Tucson, Arizona.	21 were hired on as a dispatcher?
22 Q Okay. Did you work in security or were	22 A Yes.
23 you a floor associate?	23 Q Okay. And then in March of 2004, you
24 A I was a floor associate.	24 went back to patrol; is that true?
25 Q Okay. And then would it be accurate	25 A I attended partial -- the partial
Page 9	

		Page 10	
1	academy.	2	Q       okay. And when did you basically start
2	Q	3	working as a patrol officer again for Trenton?
3	A	4	Summer of 2004.
4	Q	5	Now, since summer of 2004 to the
5		6	present have you received any promotions?
6	A	7	I was promoted to detective and
7		8	recall when I was promoted to detective. I don't
8		9	transferred to the TAC unit.
9	Q	10	okay. Tell me what the TAC unit is.
10	A	11	Tactical Anti-Crime Unit. They go
11	Q	12	out and they look for street crimes, guys on the
12		13	corner selling drugs, things of that nature.
13	Q	14	okay. What's the QPR Unit?
14	A	15	QRT, excuse me.
15	Q	16	It was the Quick Response Team. That
16	A	17	was a unit that was formed by myself and my
17		18	partner at the time.
18	Q	19	Was your partner Sean miles at that
19		20	time?
20	Q	21	A       Yes.
21		22	Q       And the Quick Response Team, you and
22	Q	23	Sean developed that program; is that right?
23	A	24	
24	Q	25	Yes.
25	A		
		Page 12	
1	2009?	2	A       Before.
2	Q	3	Were you working on QRT when the arrest
3		4	of Mr. Williams occurred?
4	A	5	Yes.
5	Q	6	Okay. Who was your sergeant, if you
6		7	can remember, around May of 2009?
7	A	8	Paul Gendron, G-E-N-D-R-O-N.
8	Q	9	Now, Detective Franicavich, is he still
9		10	employed by the Trenton Police Department?
10	A	11	Yes.
11	Q	12	Okay. Is he still a detective?
12	A	13	Yes.
13	Q	14	Do you know what unit he works in?
14	A	15	Vice.
15	Q	16	Okay. How about Yolanda Ward?
16	A	17	No.
17	Q	18	Do you have any knowledge as to why her
18		19	employment separated with Trenton Police?
19	A	20	She was laid off.
20	Q	21	Do you do cutbacks?
21	A	22	Yes.
22	Q	23	Other than your promotion to detective,
23		24	did you obtain any other promotions from March of
24		25	2004 until the present?
		Page 13	
1	Q	2	Okay. Can you tell me what the
2		3	impetuous behind your development of that QRT was?
3		4	A       Sean had some experience. He had
4		5	been in the Vice Unit before, so he had experience
5		6	with search warrants. He started doing some
6		7	search warrants and it became successful. I
7		8	started going search warrants with his help and we
8		9	became extremely successful.
9		10	So they removed us from the TAC unit,
10		11	added two people to our unit, so it was a four-man
11		12	unit. We were under the supervision of a sergeant
12		13	and we did our own work.
13	Q	14	Okay. And who are the other two men in
14	A	15	your unit?
15		16	At that time it was Detective Yolanda
16		17	Ward and Detective Chris Franicavich. Do you need
17		18	that to be spelled?
18	Q	19	Franicavich, definitely.
19	A	20	It's F-R-A-N-I-C-E-V-I-C-H.
20	Q	21	Okay. And all four of you were
21		22	detectives; is that accurate?
22	A	23	Yes.
23	Q	24	And when did you form this QRT?
24	A	25	That I don't recall.
25	Q		Okay. Was it before or after May of
		Page 11	
1	Q	2	Okay. Can you tell me what the
2		3	impetuous behind your development of that QRT was?
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20	Q	21	Okay. And all four of you were
21		22	detectives; is that accurate?
22	A	23	Yes.
23	Q	24	And when did you form this QRT?
24	A	25	That I don't recall.
25	Q		Okay. Was it before or after May of

		Page 14		Page 15	
1	A	Yes.		1	went back to patrol, she was laid off due to the
2	Q	And do you remember approximately what		2	cutbacks?
3		time period it was when you transferred to vice?		3	A Yes.
4	A	I don't recall.		4	Q All right. And Sean Miles is still
5	Q	okay. Was the Quick Response Team		5	employed?
6		disbanded or were there new detectives assigned to		6	A Yes.
7		it? What happened with the Quick Response Team?		7	Q What about the TAC unit? Is that still
8	A	We were disbanded.		8	operating?
9	Q	Do you know why you were disbanded?		9	A Yes.
10	A	We were overlapping vice		10	Q Okay. Can you generally explain to me
11		investigations.		11	what the difference between the TAC unit and the
12	Q	Okay. So the powers that base that, we		12	Vice unit is?
13		don't need the Quick Response Team if they're		13	A The TAC unit goes out in uniform and,
14		overlapping vice investigations, we should just fold		14	for lack of a better word, will attack street
15		them back into vice?		15	crime. The Vice unit responds to tips from the
16	A	Yes. Only two of us went to vice.		16	public and from just, you know, other officers and
17	Q	Who went to vice?		17	develops their own investigations, executes search
18	A	Myself and Detective Franicevich.		18	warrants.
19	Q	What happened to Detective Sean Miles?		19	Q Okay. On May 2nd, 2009 you effected an
20	A	Detective Miles went back to patrol.		20	arrest on Mr. Williams; is that correct?
21	Q	Is he currently on patrol?		21	A Yes.
22	A	Yes.		22	Q Can you tell me what, if anything, you
23	Q	Okay.		23	remember about that? And try to start at the
24	A	As did Detective Ward.		24	beginning, if you would, officer.
25	Q	And then sometime after Detective Ward		25	A I was on duty. It was the night
		Page 16		Page 17	
1		shift. We were working until 3 o'clock in the	1		investigations with not only the TPD but
2		morning. My partner was off. Detective Miles was	2		also has had involvement with the State
3		off that night, but he gave me a -- he called me	3		Police Department, so I have no
4		on my cell phone to tell me that he had received	4		authorization from either department to
5		information about a man with a gun on Hamilton	5		release his personal identification.
6		Avenue.	6		MR. BAIRD: Okay. With that
7	Q	Okay. Did he tell you at all how it	7		objection on the record, I'm going to ask
8		was he received that information?	8		him some other information about that
9	A	Yes. The information came from one	9		particular communication and the CI without
10		of his informants.	10		his identifying information --
11	Q	Okay. Do you know which informant it	11		MR. DIDONATO: You can ask history,
12		was?	12		subsequent history, whatever you would like.
13	A	I had some dealings with him, but	13		MR. BAIRD: Fair enough.
14		nothing too specific.	14		BY MR. BAIRD:
15	Q	Do you know who it is?	15		Q You mentioned that you had some
16	A	Yes.	16		dealings with this particular CI in the past.
17	Q	Can you tell me who it is?	17		A Yes.
18	MR. DIDONATO:	No. Not absent to	18		Q Had he ever given you information
19		court order.	19		personally which led to an arrest?
20	MR. BAIRD:	Okay. That's an	20		A Before that time?
21		objection?	21		Q Yes, before May 2nd of 2009.
22	MR. DIDONATO:	That's an objection.	22		A No. Everything was through Detective
23		And I'm going to go and instruct him not to	23		Miles.
24		answer. We will produce it if there's a	24		Q Okay. Had you ever met with him
25		court order, but he's involved in ongoing	25		face-to-face prior to May 2nd, 2009?

		Page 18	Page 19
1	A	One time.	1 A He gave a very specific description.
2	Q	okay. Can you tell me the	2 I cannot recall the exact description, but I know
3		circumstances surrounding that?	3 the description he gave was to a tee. It's
4	A	He was providing Detective Miles with	4 provided -- it's in my police report if you want
5		information and we were together.	5 the specifics if I could review that.
6	Q	Okay. What's your knowledge as to how	6 Q Okay. So it would be fair to say that
7		this particular CI would pass information to	7 you would rely on the information that you placed in
8		Detective Miles in general?	8 your police report; is that right?
9	A	He would call him.	9 A Yes.
10	Q	Okay. Do you know how this particular	10 Q My understanding is that you drafted --
11		CI provided information concerning Mr. Williams?	11 you prepared the affidavit for a warrant; is that
12	A	He called Detective Miles.	12 right?
13	Q	Okay. And did Detective Miles tell you	13 A Yes.
14		that over the phone on the night when he called you	14 Q Okay. And it's also my understanding
15		about the person with the gun?	15 that subsequent to Mr. Williams' arrest, Detective
16	A	Yes.	16 Miles also provided a report concerning his
17	Q	Okay. In as much specificity as you	17 knowledge as to what occurred that night; is that
18		can, can you tell me exactly what Detective Miles	18 true?
19		said to you on the phone that night?	19 A I'm not sure.
20	A	He said that he had received a phone	20 Q Okay. And is it fair for me to say
21		call regarding a man with a gun on Hamilton	21 that you would rely upon the description that you
22		Avenue, gave me the description as it was provided	22 placed in your police report to accurately describe
23		to him and told me where he would be located.	23 what Sean Miles told you about the suspect?
24	Q	Okay. And what was the description	24 A Yes.
25		that he gave of the person?	25 Q Okay. And do you remember where
		Page 20	Page 21
1		Detective Miles told you that the suspect would be?	1 description of that suspect as well as an initial
2	A	There were several phone calls. The	2 location as to where that person was?
3		first phone call stated that he was in the liquor	3 A Yes.
4		store on Hamilton Avenue in the 500 block.	4 Q Okay. And that initial location that
5	Q	Okay.	5 he provided during the first phone call was at the
6	A	I don't recall the name of the liquor	6 500 block of Hamilton Avenue; is that right?
7	store.		7 A Yes.
8	Q	In Trenton?	8 Q About how long after that first phone
9	A	In Trenton, yes.	9 call did the subsequent phone call occur?
10	Q	Okay. And do you recall approximately	10 A Within five to seven minutes.
11		when the first phone call came to you?	11 Q Okay. Do you remember where you were
12	A	No, I don't.	12 when you received the initial phone call?
13	Q	But it was nighttime, correct?	13 A I was on Chambers Street in Trenton.
14	A	Yes.	14 Q Were you in your patrol vehicle?
15	Q	You were working the night shift?	15 A Not a patrol vehicle. We were
16	A	Yes.	16 operating seized vehicles, so they were just every
17	Q	And your shift back then was from --	17 day vehicles that we were -- that we had at our
18		can you tell me what the night shift was?	18 disposal.
19	A	From 5:00 p.m. to 3:00 a.m.	19 Q Were these unmarked cars?
20	Q	Okay. During the first telephone	20 A Yes.
21		call -- correct me if I'm wrong -- Sean Miles	21 Q Okay. Were you in plain clothes?
22		advises you that he has information concerning a	22 A Yes, I was.
23		suspect who has a gun; is that true?	23 Q Okay. And you were on Chambers Street
24	A	Yes.	24 in an unmarked vehicle; is that accurate?
25	Q	Okay. And then he provided you with a	25 A Yes.

(Pages 18 to 21)

		Page 22
1	Q	okay. After getting the initial phone
2		call, did you make any effort to go to the 500 block
3		of Hamilton Street to find the suspect?
4	A	Yes, I did. After I contacted
5		Detective Ward and Franicevich, gave them the
6		information and the three of us proceeded to the
7		area.
8	Q	okay. Were Detective Ward and
9		Franicevich in the same car as you?
10	A	No.
11	Q	Were they operating in the same area
12		around Chambers Street as you were?
13	A	Yes.
14	Q	Okay. Did you provide them with this
15		information that was relayed to you by Detective
16		Miles over the radio or in person?
17	A	Cell phone.
18	Q	Okay. Was this your own personal cell
19		phone?
20	A	We had department issued cell phones
21		at the time.
22	Q	Okay. And when you were speaking with
23		Detectives Ward and Franicevich, tell me what you
24		talked to them about after the initial call?
25	A	After the initial call, after giving
		Page 24
1	Q	Now, the second call comes in about
2		five to seven minutes. Had you and the other
3		officers already set up in your location at that
4		time?
5	A	We were still proceeding. We were
6		just trying to get to the area.
7	Q	Okay. And was it Detective Miles who
8		called you during that second phone call?
9	A	Yes.
10	Q	Okay. And what did he say?
11	A	He stated that the individual we were
12		looking for was now in the Chinese food restaurant
13		which is called Food King.
14	Q	Okay. He was now at the Food King.
15		And how did Sean Miles come by that information?
16	A	He had received a phone call from his
17		informant.
18	Q	Do you have any knowledge as to how his
19		informant knew the very specific whereabouts of
20		Mr. Williams on that date?
21	A	No.
22	Q	Okay. At the time did you have any
23		knowledge as to how this CI was obtaining this very
24		specific information concerning Mr. Williams'
25		whereabouts?
		Page 25
1		them the description and the area where we were
2		going to set up.
3	Q	Okay. Where was your original plan
4		after the initial call to set up?
5	A	We were going to have one officer
6		watch -- or one detective watch Hamilton and
7		Franklin at that corner there, another one at
8		Hamilton and Chambers because the location that
9		was given to us was in between those two
10		locations.
11	Q	Okay. After the initial call, did you
12		have any information about the identity of the
13		suspect other than a physical description?
14	A	No, I didn't.
15	Q	Okay. Did you know his name was Guy
16		Williams?
17	A	No.
18	Q	Okay. Did you have any knowledge as to
19		whether he was a -- whether he had a criminal
20		history at all?
21	A	No.
22	Q	Okay. Did Detective Miles give you any
23		information along those lines as to either criminal
24		history or identification by name?
25	A	No.

		Page 22
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		Page 25
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3	Q	Okay. Where was your original plan
4		after the initial call to set up?
5	A	We were going to have one officer
6		watch -- or one detective watch Hamilton and
7		Franklin at that corner there, another one at
8		Hamilton and Chambers because the location that
9		was given to us was in between those two
10		locations.
11	Q	Okay. After the initial call, did you
12		have any information about the identity of the
13		suspect other than a physical description?
14	A	No, I didn't.
15	Q	Okay. Did you know his name was Guy
16		Williams?
17	A	No.
18	Q	Okay. Did you have any knowledge as to
19		whether he was a -- whether he had a criminal
20		history at all?
21	A	No.
22	Q	Okay. Did Detective Miles give you any
23		information along those lines as to either criminal
24		history or identification by name?
25	A	No.

		Page 26	Page 27
1	Mr. Williams was now in the Food King?	1	up and you were walking towards the Food King?
2	A No.	2	A It took us -- after receiving the
3	Q what did you do after you got that	3	call, informing them, I put on my police
4	second phone call?	4	identifiers: My vest -- my vest says police --
5	A I notified Detective Ward and	5	badge around the neck, we meet up. Detective
6	Francicevich and then we met up in the area of	6	Francicevich and I entered the Food King first with
7	Hamilton and Franklin and made the approach.	7	Detective Ward behind us.
8	Q Okay. Were you at the corner of	8	Q Did you have your weapons deployed at
9	Hamilton and Franklin?	9	the time you entered?
10	A My car was on Franklin Street.	10	A No.
11	Q Okay. And how far away from your car	11	Q And what was Detective Ward doing at
12	was the Food King?	12	the time?
13	A An approximation is 40 to 50 yards.	13	A She was walking in behind us.
14	Q Okay. Did you and Detective Ward and	14	Q Okay. So all three of you officers
15	Detective Francicevich meet up near your vehicle or	15	went inside the Food King; is that accurate?
16	one of their vehicles?	16	A Yes.
17	A We met as we were all walking towards	17	Q Okay. And then what did you do?
18	the Food King.	18	A Detective Francicevich went up to --
19	Q Okay. And did you ever see	19	well, we saw a gentleman sitting in a chair
20	Mr. Williams outside of the Food King?	20	obviously waiting for food who fit the exact
21	A No.	21	description that I had been given.
22	Q And I'm talking about when you	22	Detective Francicevich approached him
23	initially approached, just so we're clear, okay?	23	on his right side, secured his right hand. I
24	A Okay.	24	approached the suspect on his left side, secured
25	Q Tell me what you did next after you met	25	his left hand, told him we need to speak to you
		Page 28	Page 29
1	outside, got him up out of his chair and walked	1	A Yes.
2	him outside.	2	Q Okay. Were there people eating?
3	Q Okay. Was Mr. Williams eating at the	3	A I don't recall if they were eating.
4	time?	4	There were other customers as well as the workers.
5	A No.	5	Q Can you give me an approximation how
6	Q Okay. Had he gotten his food yet?	6	many customers there were in there?
7	A No.	7	A No.
8	Q What did Mr. Williams do when you --	8	Q Okay. Do you know what time of night
9	after you secured his arms and advised him that you	9	it was when you effectuated this arrest?
10	needed to talk to him outside?	10	A No. I can just recall that it was
11	A He walked outside with us.	11	dark.
12	Q Okay. Did he say anything to you from	12	Q Okay. And what happened once you took
13	getting up out of the table to walking outside?	13	Mr. Williams outside?
14	A Not at that point, no.	14	A He was placed in a pat frisk position
15	Q Okay. Did you two officers say	15	and I began to perform a pat frisk on him.
16	anything to him from the time you secured his arms,	16	Q Okay. Is there any reason why you
17	said we need to talk to you outside and then walked	17	performed the pat frisk outside versus inside the
18	him outside?	18	Food King?
19	A Not that I recall.	19	A Because there were other patrons
20	Q Okay. How far was it, if you can	20	inside. In case there was a confrontation, we
21	remember, from the table to the door of the Food	21	wanted to get him away from everyone else.
22	King to take him outside?	22	Q Okay. Were you the only detective who
23	A Twenty to 25 feet.	23	was performing the pat frisk?
24	Q Okay. Was there anyone else in the	24	A Yes.
25	Food King at that time?	25	Q Okay. Where was Detective Ward at this

(Pages 26 to 29)

		Page 30
1	time?	1 his ankles?
2	A Detective Ward was behind me.	2 Top to bottom and worked my way down.
3	Detective Franicevich was still holding onto	3 Q Okay. did he specifically say "I have
4	Mr. Williams.	4 a gun"?
5	Q Did you handcuff Mr. Williams at that	5 A Yes.
6	time?	6 Q Did he say anything else that you can
7	A No.	7 remember?
8	Q Okay. what happened next?	8 A Not that I can recall.
9	A I was performing a pat frisk and I	9 Q Okay. And what did you do next?
10	felt what was obviously a weapon in his pants	10 A I continued my pat frisk. After I
11	pocket.	11 discovered the weapon, removed it from his pocket
12	Q Okay. And in which pocket was it?	12 and secured him -- or secured the weapon.
13	A I believe it was his right front	13 Q Okay. How did you secure the weapon?
14	pants pocket.	14 A Unloaded it and made sure it was
15	Q Okay. And did Mr. Williams say	15 safe.
16	anything to you from the time you took him outside	16 Q Okay. And what kind of weapon was it?
17	until performing the pat frisk and feeling an object	17 A It was a .22 caliber revolver.
18	which you stated was obviously a weapon?	18 Q And then what did you do?
19	A He told me he had a gun.	19 A He was handcuffed. I don't recall
20	Q Okay. And when did he say that	20 who handcuffed him, either Detective Ward or
21	specifically?	21 Franicevich.
22	A Before I had actually patted his	22 Q At any time did Mr. Williams resist?
23	pocket while I was performing the pat	23 A No.
24	Q Okay. When you performed the pat	24 Q Okay. Did Mr. Williams say anything to
25	frisk, did you start up around his chest or down by	25 you after you secured the weapon?
		Page 32
1	A Nothing that I can recall	1 Police immediately?
2	specifically.	2 A Yes.
3	Q Okay. Do you remember him having any	3 Q Okay. Did you have any conversations
4	conversations with either Detective Ward or	4 with Mr. Williams at the police station?
5	Detective Franicevich that you could hear?	5 A Conversations for processing
6	A Nothing that I could hear.	6 purposes.
7	Q Okay. Was Mr. Williams placed in a	7 Q Okay. Name, address, phone number,
8	police vehicle?	8 things like that?
9	A Yes. we called for a transport	9 A Yes.
10	Q Okay. Was Mr. Williams placed in a	10 Q Okay. Did you make any effort to
11	vehicle to transport him into headquarters.	11 determine whether Mr. Williams had any outstanding
12	Q Okay. And how long did it take the	12 warrants?
13	transport vehicle to get there?	13 A Yes.
14	A I don't recall.	14 Q Did he?
15	Q Okay. And I presume -- and correct me	15 A I don't recall.
16	if I'm wrong, please -- that Mr. Williams was then	16 Q Okay. Did you make any effort to
17	turned over to whomever was driving the transport	17 question Mr. Williams about the weapon that he had?
18	vehicle, he was taken to the Mercer County or	18 A Not that I can recall, no.
19	Trenton jail and processed; is that accurate?	19 Q Okay. Did you inspect the weapon when
20	A Yes, into Trenton Police	20 you removed it from Mr. Williams' person and then
21	Headquarters.	21 secured it?
22	Q Okay. Did you go back to Trenton	22 A Yes.
23	Police Headquarters to assist with the paperwork and	23 Q Okay. Did you notice anything
24	processing of Mr. Williams?	24 remarkable about the gun?
25	A Yes.	25 A Remarkable? It was in very poor
		Page 33

		Page 34	Page 35
1	condition. That's --		1 prisoner and the weapon and then the report
2	Q Okay. All right. Do you know whether	2 writing is done after that.	2
3	it could be operated?	3 Q Okay. So the hour and a half is the	3
4	A That I don't know.	4 processing of the prisoner and the weapon itself?	4
5	Q Okay. Can you describe it in any more	5 A Yes.	5
6	specificity to tell me about what the poor condition	6 Q Okay. And then to perform your report,	6
7	of it was?	7 you would -- that would take an additional amount of	7
8	A The cylinder was held in place -- I	8 time?	8
9	don't even know what held it in place, but it	9 A Yes.	9
10	wasn't an original part of the weapon. It was a	10 Q did you prepare your report that night?	10
11	piece that had been replaced, kind of makeshift,	11 A Yes.	11
12	to hold the cylinder in place.	12 Q Did you prepare it prior to going back	12
13	Q Okay. Is there anything else you can	13 out onto the street, if you even did go back on the	13
14	remember about it to describe the poor condition?	14 street?	14
15	A No.	15 A It was prepared prior to going back	15
16	Q Okay. Can you tell me anything about	16 out on the street. Whether we went back out, I	16
17	the conversation that you had with Mr. Williams at	17 don't recall.	17
18	the police station?	18 Q Okay. And are you stating that because	18
19	A Nothing that I can recall.	19 that is your usual pattern and practice for	19
20	Q Okay. And how long did it take for you	20 preparing reports is to do the paperwork immediately	20
21	to get him all processed?	21 after doing an arrest?	21
22	A The processing in general takes an	22 A Yes.	22
23	hour, hour and a half.	23 Q Okay. Did you have any conversations	23
24	Q Okay.	24 with Detective Miles while you were preparing the	24
25	A And that's just processing the	25 report concerning the arrest?	25
		Page 36	Page 36
1	A No.	1 bad information?	1
2	Q Did you have any other conversations	2 A No.	2
3	with Detective Miles that night other than the two	3 Q You didn't know one way or another or	3
4	phone calls that we talked about?	4 had he ever provided Detective Miles with bad	4
5	A Yes.	5 information?	5
6	Q Okay. Tell me about the other contacts	6 A I don't know if he had ever provided	6
7	you had with him.	7 Detective Miles with bad information, no.	7
8	A After we had arrested Mr. Williams, I	8 Q Okay. Have you personally used this CI	8
9	called him to tell him that, you know, the	9 for information since the arrest of Mr. Williams?	9
10	information had panned out.	10 A Yes.	10
11	Q Okay. Did you at any time ask	11 Q Okay. How many times since the arrest?	11
12	Detective Miles anything about the reliability of	12 A Approximately two dozen.	12
13	that particular CI?	13 Q Okay. And in that two dozen times, has	13
14	A No.	14 his information always yielded either an arrest or	14
15	Q Did you have any knowledge prior to	15 contraband?	15
16	that night about the reliability of that particular	16 A Yes.	16
17	CI?	17 Q So in information he's provided to you	17
18	A Yes.	18 since the arrest of Mr. Williams, he has been	18
19	Q Okay. Tell me about that knowledge.	19 100 percent accurate?	19
20	A He had provided us with information	20 A As far as illegal activities, yes.	20
21	that we used to execute search warrants where	21 Q Okay.	21
22	weapons and drugs had been seized.	22 A Quantities or amounts are always --	22
23	Q Okay. And at that time did you have	23 you know, nothing very accurate. Nothing	23
24	any knowledge as to whether that particular CI had	24 specific. If he said 14 pounds, which he did at	24
25	ever provided either you or Detective Miles with any	one point, it was 15 pounds, so he was off. So it	25

(Pages 34 to 37)

		Page 38	
1	was never spot on to the ounce.	1	with Mr. Williams prior to his arrest on May 2nd?
2	Q      Okay. And is this 15 pounds of weed?	2	A      No.
3	A      Yes.	3	Q      Had you ever seen him before?
4	Q      Okay. Do you know how he comes by this	4	A      Not that I can recall.
5	information?	5	Q      Okay. How about subsequent to his
6	A      No, I don't.	6	arrest? I would like you to tell me about any and
7	Q      Have you ever asked him?	7	all contacts that you've had with Mr. Williams after
8	A      No, I don't.	8	May 2nd, 2009.
9	Q      Okay. Is there any reason why you've	9	A      The only other time I saw him was in
10	never asked him?	10	court at the suppression hearing.
11	A      That's his dealings to what he does.	11	Q      Okay. Did you ever see him prior to
12	Once he provides me with the information, I'll	12	that at a preliminary hearing?
13	pick it up from there.	13	A      Not that I can recall, no.
14	Q      Okay. Do you have any knowledge	14	Q      Okay. Did you have any conversations
15	whether he is involved in criminal activities or	15	with Detective Miles about his preparation of a
16	enterprises, this particular CI?	16	report that was utilized by the lawyers at the
17	A      This particular CI, as far as I know	17	suppression hearing?
18	he is not.	18	A      No.
19	Q      Okay. So would it be accurate to say	19	Q      Do you have any input into that report
20	that it is not your belief -- this is going to be a	20	at all?
21	butchered question, I can tell already. so this	21	A      No.
22	isn't him dimming out other -- his other	22	Q      Did you review it before going to the
23	competition; is that accurate?	23	suppression hearing?
24	A      That's very accurate.	24	A      No.
25	Q      Okay. Did you have any involvement	25	Q      Okay. And then at the suppression
		Page 40	
1	hearing, the judge ruled that the gun itself was	1	drugs.
2	inadmissible; is that right?	2	Do you remember that?
3	A      Yes.	3	A      Yes.
4	Q      Do you know whether Sean Miles was ever	4	Q      Okay. What was the outcome of that
5	arrested for any reason?	5	investigation?
6	A      Yes, I do.	6	A      That, as far as I know, was not
7	Q      Okay. Why was he arrested?	7	sustained.
8	A      For domestic violation.	8	Q      Okay. And that was bad information,
9	Q      Was that once or more than once?	9	then, that was received by those dispatchers,
10	A      I believe it was just once.	10	correct?
11	Q      Okay. Do you know what the outcome of	11	A      That was information that the
12	that arrest was?	12	department deemed to be bad information.
13	A      No. I bailed him out, but I don't	13	Q      Okay. And you were not disciplined
14	recall exactly what happened with the court case.	14	whatsoever for your role in that investigation,
15	Q      Okay. Do you know whether Trenton	15	correct?
16	Police took any disciplinary action against him for	16	A      Yes, I was because I went into the
17	that?	17	radio room and listened to the tape call.
18	A      I don't know.	18	Q      And what was the discipline that you
19	Q      Okay. Do you know who lives at 116	19	received?
20	Rusting Street in Trenton?	20	A      That they held an abeyance, I think.
21	A      That currently is a vacant boarded up	21	I'm not sure.
22	residence.	22	Q      What does that mean exactly?
23	Q      Okay. You were involved in an internal	23	A      It means if there's another -- I
24	affairs investigation concerning allegations that	24	don't get a day off, but if something else
25	there was an officer at 116 Rusting Street buying	25	happens, then they can give me that day off.
		Page 41	

		Page 42	Page 43
1	Q	okay. without pay?	1 Q okay. Do you remember what the case
2	A	Without pay.	2 was in which you provided deposition testimony?
3	Q	Did you ever have any CI who resided at	3 A No, I don't.
4		116 Rusting Street?	4 Q Were you a party to that case, meaning,
5	A	Yes.	5 were you either the plaintiff or the defendant?
6	Q	Okay. Do you know whether this was the	6 MR. DIDONATO: You mean in the case
7		same person who provided this bad information?	7 where he was deposed?
8	A	I don't believe it was.	8 MR. BAIRD: Yeah, yeah.
9	Q	Okay. Have you ever been sued before	9 A I don't recall. I don't believe I
10		in your -- in association with your work as a police	10 was but I don't recall specifically.
11	A	officer?	11 BY MR. BAIRD:
12	A	I believe I was a long time ago. My	12 Q Okay. Do you know approximately how
13		first time around with the Trenton Police	13 long ago it was that you gave deposition testimony?
14		Department. I don't recall what for, though.	14 A It would have to be prior to 1994
15	Q	Okay. Do you remember what the outcome	15 when I left Trenton.
16		of that lawsuit was? Did you go to trial, for	16 MR. BAIRD: Okay. I'm going to hand
17		example?	17 you a document that I would like to have
18	A	No.	18 marked as Lugo-1.
19	Q	Okay. And was that the matter in which	19 (At this time, Lugo-1 was
20		you had previously testified here today that you had	20 marked for identification.)
21		attended your deposition in that case?	21 BY MR. BAIRD:
22	A	I don't recall.	22 Q Take your time reviewing it and just
23	Q	Okay. But you had given deposition	23 let me know when you're ready because I would like
24		testimony before; is that right?	24 to ask you a couple of questions about it.
25	A	Yes.	25 A (witness complies.)
		Page 44	Page 45
1	Q	Can you tell me what this document is?	1 Cause. Is there a particular purpose why you
2	A	Affidavit of Probable Cause.	2 prepared this document after Mr. Williams had
3	Q	And this is the document that -- did	3 already been arrested?
4		you prepare this?	4 A At this point it's reviewed to make
5	A	This was prepared by Detective Ward	5 sure we have all of the criteria to fit the
6		and given to me to review and sign.	6 charge.
7	Q	Okay. And can you tell me when this	7 Q Okay. And reviewing it, you had a
8		was prepared by Detective Ward in reference to the	8 chance to read it over, is there anything in there
9		events surrounding the arrest of Mr. Williams?	9 that is inaccurate or that you do not believe is
10	A	This was prepared after we all	10 true now sitting here several years later?
11		proceeded into the headquarters after the arrest.	11 A I don't recall seeing him walking on
12	Q	And is there any reason why Officer	12 Franklin Street towards Hamilton Avenue.
13		Ward prepared it and then gave it to you to sign?	13 Q Okay. Do you know whether Ms. Ward
14	A	To expedite time. We would all do	14 observed him walking on Franklin Street?
15		different parts of the paperwork.	15 A No, I don't.
16	Q	Okay. And is that your signature	16 Q Okay. Do you know whether Detective
17		there?	17 Franicevich had ever observed Mr. Williams walking
18	A	Yes.	18 down Franklin towards Hamilton?
19	Q	Okay. And underneath the signature, do	19 A No.
20		you know whose signature that is?	20 Q Okay. Do you know whether --
21	A	I don't know.	21 MR. DIDONATO: Just for the record, I
22	Q	It looks like a notary stamp, I guess?	22 think the document marked as Lugo-1 actually
23	A	No, that's a Lieutenant.	23 indicates he was walking down Hamilton
24	Q	Okay. That's a Lieutenant, all right.	24 towards Franklin which is the opposite of
25		Now, this is an Affidavit of probable	25 what you just indicated.

(Pages 42 to 45)

Page 46		Page 47	
1	MR. BAIRD: Okay. The tip further	1	Q Okay. And did you review this on the
2	explained that the -- and I'm reading from	2	night of May 2nd, 2009?
3	Lugo-1 -- the tip further explained that the	3	A Yes, I did but not very well.
4	black male was walking down Franklin Street	4	Q Okay.
5	heading towards Hamilton Avenue --	5	MR. BAIRD: This I'll have marked as
6	MR. DIDONATO: And then if you look	6	Lugo-2. (At this time, Lugo-2 was
7	further in the paragraph, that's where I	7	marked for identification.)
8	got confused, I apologize.	8	MR. DIDONATO: The incident
9	MR. BAIRD: All right.	9	investigation report is four pages.
10	BY MR. BAIRD:	10	MR. BAIRD: Okay.
11	Q Is there anything else besides that	11	MR. DIDONATO: Let's take a quick
12	that you, sitting here today, you believe is	12	break.
13	inaccurate or incorrect?	13	(Whereupon, a short recess was taken,
14	A Well, it doesn't state where he was	14	after which time the deposition resumed.)
15	actually -- where he actually was. He was	15	BY MR. BAIRD:
16	actually in the Chinese restaurant. If you read	16	Q Take as much time as you need in
17	this, it leads you to believe that he was	17	reviewing this. I'm going to ask you a few
18	approached while he was on Hamilton Avenue.	18	questions about it.
19	Q Okay. Anything else that you believe	19	A Okay.
20	to be inaccurate or in any way wrong?	20	Q Can you tell me what this is?
21	A Identified ourselves as police	21	A This is my police report.
22	officers, stated he had the gun in his front	22	Q Okay. And this is from the arrest of
23	pocket. This was done after we had already taken	23	Mr. Williams that occurred on May 2nd, 2009?
24	control of him and taken him out of the	24	A Yes.
25	restaurant.	25	
Page 48		Page 49	
1	Q Okay. Now, if you look at page three,	1	A I would say that the report is
2	there's a reporting officer narrative.	2	accurate since it was done that night and it was
3	Did you prepare this narrative?	3	still fresh in my memory.
4	A Yes.	4	Q Okay. Now, in terms of the -- I would
5	Q Okay. Did you have input from	5	like you to look towards the middle of the page
6	Detective Franicevich or Ward when you were	6	where it discusses the pat frisk of Mr. Williams.
7	preparing this narrative?	7	A Yes.
8	A No.	8	Q Do you see where it says, "Once
9	Q Okay. So in the division of Labor that	9	outside, he was pat frisked by myself"?
10	you told me about concerning the paperwork, this is	10	A Yes.
11	your contribution?	11	Q Okay. And then it continues, "when I
12	A Yes.	12	felt his right front pocket through his pants, I
13	Q Is there anything in here -- and you	13	felt what I immediately recognized as a revolver.
14	can take as much time as you need, but let me know	14	As I was doing this, Williams stated 'I have a gun
15	if there's anything in here that now, sitting here	15	on me.'"
16	today, you believe is inaccurate or incorrect.	16	A Yes.
17	A The only difference between this --	17	Q Is that accurate in terms of when
18	what I would consider a significant difference	18	Mr. Williams alerted you to the fact that he had a
19	between this and my testimony here today is who	19	gun?
20	took hold of which arm. My reports states	20	A That would be accurate, yes.
21	Detective Franicevich told hold of Williams' left	21	Q Okay. Now, I apologize if I asked you
22	arm, where as I stated that I had taken hold of	22	this before, but did you have any conversations with
23	his left arm.	23	Detective Miles about the arrest prior to the
24	Q Okay. Do you know which one is	24	suppression hearing?
25	accurate?	25	A No.

		Page 50		Page 51	
1	Q	Okay. Other than --		1	A No.
2	A	other than the phone call saying that		2	Q Okay. Just allow me a few minutes to
3		we had made the arrest.		3	review my notes and I think we're just about done.
4	Q	Okay. Now, this is something that's		4	A Okay.
5		been identified as a case supplemental report. And		5	Q Did you ever ask Mr. Williams at the
6		I just want to ask you about this for identification		6	time of his arrest where is the gun or where is it?
7		purposes.		7	Did you say anything like that to him?
8		Have you ever seen that before?		8	A Not that I recall, no.
9	A	No.		9	MR. BAIRD: Okay. That's all I have.
10	Q	Okay.		10	I appreciate your time today.
11		MR. DIDONATO: Counsel, do you have		11	MR. DIDONATO: No questions.
12		an objection if we had that marked as Lugo-3		12	-----
13		just so the record is clear?		13	(Deposition concluded.)
14		MR. BAIRD: Yeah, I think we should.		14	-----
15		(At this time, Lugo-3 was		15	-----
16		marked for identification.)		16	-----
17		BY MR. BAIRD:		17	-----
18	Q	Okay. And I'll ask my question one		18	-----
19		more time.		19	-----
20		Have you ever seen this before?		20	-----
21	A	No.		21	-----
22	Q	Okay, fair enough. I just have a		22	-----
23		couple more questions for you.		23	-----
24		Have you ever been arrested for a		24	-----
25		crime involving dishonesty?		25	-----
		Page 52			
1		C E R T I F I C A T I O N			
2					
3		I, Aubrey D. McNally, do hereby certify			
4		that the witness in the foregoing deposition was duly			
5		sworn to testify the truth, the whole truth and			
6		nothing but the truth in the within-entitled cause;			
7		that said deposition was taken at the time and place			
8		therein stated; that the testimony of said witness was			
9		reported by me, a Certified Shorthand Reporter and			
10		Registered Professional Reporter, and was thereafter			
11		transcribed under my direction into typewriting, and			
12		that this is a true and correct transcript of same.			
13		I further certify that I am not counsel			
14		for, nor in any way related to any of the parties to			
15		this suit, nor am I in any way interested in the			
16		outcome thereof.			
17		-----			
18		Aubrey D. McNally, CCR, RPR			
19		New Jersey Certification No. 30X100234300			
20					
21					
22					
23					
24					
25					

({Pages 50 to 52})

TRENTON POLICE DEPARTMENT, NEW JERSEY  
PATROL BUREAU  
AFFIDAVIT OF PROBABLE CAUSE

CASE #: 09-007548

STATE OF NEW JERSEY)

COUNTY OF MERCER)

I, Det. K. Lugo #559, of full age, being duly sworn on his oath, according to law, deposes and says:

1. I am a duly constituted Police Detective of the Trenton Police Department.
2. I have probable cause to believe and do believe that the person known as Guy L. Williams, and more particularly described as follows:

B/M, 6'0" tall, and 225 lbs., Date of Birth: 03/07/1981,

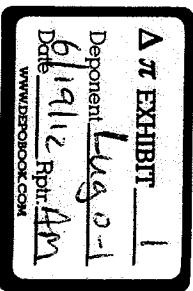
Has committed and is wanted in connection with the offense(s) of 2C: 39-5 Possession of a weapon, 2C: 39-7b Possession of a weapon by a convicted felon.

On May 2, 2009 at approximately 2130 hours we Units 562, 561, 564 received a confidential tip that a black male wearing an orange baseball cap and an orange and white long sleeve shirt was to be carrying a handgun. The tip further explained that the black male was walking down Franklin St. heading towards Hamilton Ave. Upon further investigation we observed a black male, later identified as Guy L. Williams, fitting the description given by the confidential informant walking down Hamilton Ave. towards Franklin St. As we approached G. Williams, and identified ourselves as Police Officers he stated that he had a handgun in his front pocket. Said weapon, .22 caliber RG14S, was confiscated and G. Williams was taken into custody.

Det. K. Lugo 7415751  
Det. K. Lugo

Sworn and subscribed by me  
This 2<sup>nd</sup> day of May, 20 09

(Signature)



INCIDENT/INVESTIGATION REPORT									
Trénton Police Department									
I N C I D E N T A T A		Location of Incident 539 Hamilton Ave, Trenton NJ 08611-		Premise Type (Com)		Zone/Tract E1, E		Last Known Secure At Found 05/02/2009 21:30 Sat	
M O		#1 Crime Incident Unlawful Possession Of Weapon(s) (Handgun) - 2C:39-5B		Weapon / Tools REVOLVER		Entry		Activity Security	
V I C T I M		#2 Crime Incident Certain Persons Not To Have Weapons 2C:39-7B		(Com)		Weapon / Tools Entry		Activity Security	
V I C T I M		#3 Crime Incident Warrant/FFP Trenton WARRANT FFP		(Com)		Weapon / Tools Entry		Activity Security	

Officer ID# Lugo, Kenneth (NDSI, ORI, IS751)Invest ID# (0)

Complainant Signature

Case Status Cleared By Arrest

07/13/2009

Supervisor Astbury, Jason C (SDST, FSPR) (5292)

Case Disposition: Closed

Syst: 11985

Printed BY: 5751, UNIT087

Case#	09-007548
Date / Time Reported	05/02/2009 21:30 Sat
Last Known Secure	At Found 05/02/2009 21:30 Sat
Delta EXHIBIT	2
Deponent	Lugo-2
Date	6/14/12
Rpt:	AM
www.dpsbook.com	

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*Trenton Police Department*

Page 2

Case# - 09-00754

Up to 3 types of activity

### Suspected Type

IBR	Status	Quantity	Type Measure	Suspected Type
				Up

ASSISTING Officers  
*BENNA V. (6150) CROSBY M (2954)*

## Suspect Hate

## NARRATIVE

## REPORTING OFFICER NARKA

Trenton Police Department

Victim

Society

Offense

UNLAWFUL POSSESSION OF WEAPON(S)

OCA  
09-007548

Date / Time Reported

Sat 05/02/2009 21:50

THE INFORMATION BELOW IS CONFIDENTIAL FOR USE BY AUTHORIZED PERSONNEL ONLY

Additional Officers: Det. C. Franicevich, Det. Y. Ward, Det. S. Miles, Off. M. Crosby, Off V. Renna

At approximately 2125 hrs, 05/02/2009/ I received a phone call from Det. Sheehan Miles who stated that a CI had contacted him and advised him that there was a man with a gun in his possession walking in the 500 block of Hamilton Ave. The CI described the man as a B/M wearing an orange hat with the letter H on it, a long sleeve orange shirt with a white t-shirt over it and jeans. I then contacted Detectives Franicevich and Ward and we proceeded to the area to look for the described individual. Detectives Franicevich and Ward were together in an unmarked undercover vehicle and I was in another unmarked undercover vehicle. While I was proceeding to the area I remained in contact with Det. Miles who advised me that he received another call from the CI telling him that the male was in the liquor store on Hamilton Ave near Chambers St and that he would be proceeding back to Franklin St when he left the liquor store. I was on Franklin St when Det. Franicevich advised me that he had a visual of the B/M, later identified as Williams, and that he was walking on Hamilton Ave and had just entered the Food King Chinese restaurant, 539 Hamilton Ave. While Williams was waiting for his food Det. Franicevich and I entered the restaurant and approached him. Det. Franicevich took hold of Williams left arm and I took hold of his right arm and we led him out of the restaurant. Once outside he was pat frisked by myself. When I felt his right front pocket through his pants I felt what I immediately recognized as a revolver. As I was doing this Williams stated, "I have a gun on me." I then removed the revolver from his pocket as Det. Franicevich and Det. Ward handcuffed Williams and placed him under arrest. A continued search incident to arrest was negative for any further contraband. The revolver was made safe and found to be fully loaded with six (6) 22 cal bullets.

Williams was transported into headquarters by officers Crosby and Renna. A warrant check was conducted and Williams was found to have an active Trenton warrant. He was then docketed for the listed charges and turned over to detention personnel for continued arrest processing.

The revolver was found to be clear lost or stolen and was turned in as evidence and placed in the North Division evidence drop box.

At this time I have nothing further to add to this report

## Incident Report Suspect List

Trenton Police Department

OCA: 09-007548

Name (Last, First, Middle) <i>Williams, Guy Lloyd</i>	Also Known As						Home Address 70 FRANKLIN ST TRENTON, NJ 08609		
Business Address									
DOB. 03/07/1981	Age 28	Race B	Sex M	Eth N	Hgt 601	Wgt 200	Hair BLK	Eye BRO	Skin DBR

Scars, Marks, Tattoos, or other distinguishing features

*TATT LEFT FINGER / SPRAY CAN; TATT LEFT HAND / BRICK WALL WITH "WILL"*

Reported Suspect Detail		Suspect Age	Race	Sex	Height	Weight	SSN
Weapon, Type	Feature	Make	Model	Color	Caliber	Dir of Travel	Mode of Travel
VehYr/Make/Model		Drs	Style	Color	LicSt	VIN	
Physical Char							
Notes							

## CASE SUPPLEMENTAL REPORT

Printed: 12/02/2010 09:28

*Trenton Police Department*

OCA : 09007548

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 05/02/2009

Offense: UNLAWFUL POSSESSION OF WEAPON(S) (HANDGUN)

Investigator: MILES, SHEEHAN (5663)

Date / Time: 12/01/2010 20:28:21, Wednesday

Supervisor: CARRIER, ROBERT W (4132)

Supervisor Review Date / Time: 12/01/2010 20:52:32, Wednesday

Reference: Additional Information

Contact:

On 05/02/2009 at approximately 2120 hours I (Miles) was assigned to the Trenton Police Department, Quick Response Team, a successful team of undercover officers who focused their investigative attention on quality of life offenses in the City of Trenton that included low level drug and firearm offenses. At this time I was off duty when I received a telephone call from a confidential informant (hereinafter referred to as CI) who told me that there was an individual with a handgun walking on the 500 block of Hamilton Ave. CI described the individual as a black male, wearing an orange colored hat with the letter H on it and along sleeve orange shirt with a white T-shirt over it and jeans.

I immediately contacted undercover Detective Kenneth Lugo of the Trenton Police Department, QRT and advised him of the information provided by CI. Detective Lugo stated that he would proceed to the location and attempt to locate the suspect.

Shortly thereafter, I received another call from CI who stated that the suspect had walked to the liquor store on Hamilton Avenue, near Chambers street. I immediately advised Detective Lugo of the information.

Shortly thereafter, Detective Lugo advised me that he and Detective Franicevich arrested the suspect fitting the description provided by CI who was in possession of a handgun.

For further information regarding the arrest of the suspect see the investigation report submitted by Detective Lugo bearing this case number.

It should be noted that information provided by CI has been responsible for the arrest of numerous individuals for drug offenses and numerous individuals offenses involving firearms. As in this instance, previous information provided by CI has been accurate and up to date.

△ EXHIBIT 3

Deponent: LUGO, J  
Date: 6/14/12 Rpt: AM  
www.idpaperbook.com